

BOISE, FRIDAY, FEBRUARY 17, 2023 at 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**ROBERT SCOTT REESE, CINDY R.)
REESE, RONALD P. REESE, KAREN H.)
REESE, THOMAS VEA JAMES, DONNA D.)
JAMES, ALLEN L. BENCH, NATHAN D.)
ELY, PAULA C. PARKS, SHELLEY)
PARKS, HUGH M. HORTON, RONALD)
CRAIG REESE, DIANA PAULINE REESE,)
LADDIE CURRAN, IARIO COLOMBO,)**

Petitioners-Appellants,

v.

CITY OF BLACKFOOT, a municipality,

Respondent-Respondent on Appeal,

and

**KENDALL MURDOCK and KATHERYN)
MURDOCK, husband and wife,)**

Respondents.

Docket No. 49590

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bingham County, Steven H. Thompson, District Judge.

Olsen Taggart, PLLC, Idaho Falls, for Appellants.

Garrett H. Sandow, Blackfoot, for Respondent.

This case involves an appeal from a district court finding that certain homeowners in a Residential Ranchette-zoned area did not show substantial prejudice in their appeal from the City of Blackfoot's grant of a planned unit development application within the Residential-Ranchette zone.

In the City of Blackfoot, Idaho, there is an area of land zoned as a "Residential Ranchette." This means that the minimum lot size within the area is one acre, landowners in the

area are permitted to own four cows and horses, eight sheep, goats, and pigs per acre, among other restrictions. In 2019, a developer (Kendall Murdock, one of the respondents in the case,) applied for a Planned Unit Development (“PUD”) for 16 homes on a parcel of land within the Residential Ranchette area. Certain homeowners (the appellants) objected to the PUD, arguing that it violated the restrictions of a Residential-Ranchette zoned area and created problems with street width and firetruck access, property value decreases, and potential damage to the area. The City Council, after several meetings with the homeowners and the Planning and Zoning Commission, granted the application for the PUD. Shortly thereafter, the appellants appealed, and the District Court found that while the City of Blackfoot violated I.C. 67-5279(3) of the Local Land Use Planning Act when it granted the PUD, the appellants had failed to show substantial prejudice and as such, upheld the approval of the application.

This appeal centers around whether the district court erred when it found that the appellants failed to show substantial prejudice, whether the district court erred when it found that the PUD did not constitute “spot zoning,” and whether any party is entitled to fees below or on appeal.